IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

SECOND APPEAL NO.1326 OF 2005

Shri.Rajaram Bhairavnath Khare .. Appellant
V/s
Krushi Utpanna Bazar Samiti Nasik & Anr. .. Respondents

Mr.N.V.Gangal for the Appellant.
Mr.R.V.More for Respondent No.1.

CORAM: DR.S.RADHAKRISHNAN J.
DATE : JUNE 06, 2006.

P.C.:

1. Heard the learned Counsel for the Appellant and the learned Counsel for Respondent No.1. Perused the trial Court's judgment and order as well as the Appellate Court's judgment and order. Both the Courts below have concurrently held that the agreement is a clear case of leave and licence and not a lease agreement. There is no substantial question of law involved in this Appeal. Appeal is totally devoid of any merits and hence stands dismissed.

2. Now the learned Counsel for the Appellant seeks six months time to vacate the suit premises. The learned Counsel for the Appellant states that the Appellant will pay the entire arrears of licence fees including the licence fee for the month of June, 2006 directly to the Respondent No.1 within a period of two weeks from today. The learned Counsel for the Appellant states that the Appellant will vacate the suit premises within a period of six months from today and will pay the licence fee for the month of July 2006 & onwards regularly by every month till he vacates the suit premises. The learned Counsel for the Appellant further state that the Appellant will file an undertaking to the above effect within a period of two

weeks from today.

3. Subject to the Appellant paying an arrears of licence fees as mentioned above within a period of two weeks from today, and subject to the Appellant filing an undertaking within a period of two weeks from today to the above effect that he will vacate the suit premises within a period of six months from today and will pay the licence fees every month till he vacates the suit premises, the Appellant is granted six months time to vacate the suit premises.

4. It is made clear that if the Appellant fails to pay the entire arrears of licence fees within a period of two weeks from today and/or fails to file an undertaking as mentioned above within a period of two weeks from today, the trial Court’s order shall be implemented forthwith.

(DR.S.RADHAKRISHNAN, J.)